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EXAMINER

BROOKS, MATTHEW L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 112 2nd

1. **Claims 1, 8, 15, 22** and all that depend therefrom are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Due to the amendments made (logic set forth below) the term “information” as used is indefinite.

In accordance with these amendments/arguments by Applicant, Examiner is unable to determine the meaning of the word “information” as used in claims 1, 8, 15, 22 and all that depend therefrom. Particularly the problem arises in (for example) Claim 1 (a) “...the receiving of **prior fight information** from at least one user relevant to said user’s *participation in a particular potential sporting event...*” Then in Claim 1 (d) somehow a user can select from **prior fight information** a geographical location; when up till this point the only information entered has been prior fight information, not location data.

Also, the problems raised in the Final Action sent on 8/11/05 still exists. Such as how the prior fight information as laid out in claim 8, for instance, includes willingness to consider, or in claim 11 how a user could locate an agent using said “information”. OR in Claim 16 “selecting a location ...found with in the information organized into an electronically searchable format.” Yet no location data has yet been received, only information regarding prior fight information.

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Further the amended wording of the claims now makes the claims more indefinite. This is shown in (for example) in Claim 1 (a) where in there is a "...receiving of prior fight information relevant to said users participation in a particular potential sporting event..." The problem arises when prior fight information is received, the Applicant uses the past tense of "participation" yet the sporting event has not yet occurred because it is a "potential" event.

NOTE also the claims are now such that the potential sporting event could only be that of a boxing match or fight (see claim 1).

2. **Claims 5 and 12** are NO LONGER rejected for failing to further limit the claim from which it depends, in that of "coordinating an event"; because Applicant has cancelled the the claims.

3. Claims 1, 8, 15 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: found with in the independent claims. Applicant receives information, organizes it, and provides access to the information. However, no coordinating of an event actually occurs. For instance no fight partner is determined, no location is selected and neither is any time or date, nor is there a definite alignment of fighters in a ring.

Appropriate action is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-4, 6-11, 13, 14, and 22-28** as best interpreted by examiner are rejected under 35 U.S.C. 102(b) as being anticipated by Angelfire (attached herein).

As per **Claim 1, 8, and 22** Angelfire discloses:

A method and system for coordinating a competitive sporting event comprising the steps of:

(a) receiving prior fight information from at least one user relevant to said user's participation in a particular potential sporting event; (pg A, iv and v; and pg D);

(b) organizing said information received from said at least one user into an electronically searchable format (pg A, iv and v; and pg D, on a web page, equivalent to e-searchable);

(c) providing access to said information organized into an electronically searchable format to said user and third parties (pg A, iv and vD); and

(d) selecting a geographical location of a particular potential competitive sporting event and opponent to box from among other participating boxers found within the information organized into the electronically searchable format (pg A, iv and v wherein a user can select Ontario, Canada or Detroit Michigan).

6. With respect to **Claim 2 and 9**:

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Angelfire discloses:

the step of proposing a contest in a *sporting* event between at least a first user and a second user (A, (iii); "We are looking for fighters...")

7. With respect to **Claim 3 and 10**:

Angelfire discloses:

the step of organizing a sporting event based on said information through the use of a web site and a wide area network (A-E all found on a web-site on a wide area network).

8. With respect to **Claim 6, 13 and 26**:

Angelfire discloses:

the step of enabling a first sports participant to challenge a second sports participant in a sporting event using the information organized therein (pg A).

9. With respect to **Claims 7 and 14**:

Angelfire discloses:

the step of providing each of said at least one users with a data storage location accessible by said user and a portion of which is also accessible by selected of said third parties (pg D, if click on users name take to fighters web page).

10. With respect to **Claims 11 and 24**: the means for enabling a sports participant or boxer to locate an agent among said information (pg A, (iii) by emailing SJC to coordinate fight, inherently acting as fighters agent)

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11. With respect to **Claim 23**: the means for selecting a location and opponent to box from among other participating boxers found within the information organized into the electronically searchable format. (pg A, (iv)-(v) "Oregon" or Windsor)

12. With respect to **Claim 25**: the means for ranking boxers based on data to enable a participating boxer to select an opponent of similar or advanced data; (pg D, (ii)).

Furthermore, Applicant admits that it is also well known in the art to rank boxers based on data which relates to their ability (Applicants REMARKS, page 8).

13. With respect to **Claim 27**: Angelfire discloses a means to search said information via a wide area computer network (pgs A-E all of which retrieved from the web).

14. With respect to **Claim 28**: Angelfire discloses a means for establishing at least one web page for at least one of said participating boxers, which web page is viewable by selected of said third parties. (pg D (ii) in which clicking on links/names will take you to boxers own web profile/page/link).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. **Claims 1-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelfire in view of Sutcliffe in further view of "insideboxing" (attached herein).

Angelfire teaches all of that shown above, but primarily that the internet was used for matching fighters or coordinating an event on line. Inside boxing teaches retrieving prior fight information in order to further facilitate coordination of a boxing match over the internet (pg 3). Both sites utilize the internet to promote/coordinate a fight it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the type of information collected in insideboxing in angelfire in order to have a fully comprehensive information regarding said fighter. Furthermore It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system/method as taught in Sutcliffe for the purposes of collecting the search criteria/prior fight information and propose matches based upon the characteristic/criterion data entered. Just as Sutcliffe teaches the use of the technology for many such matching/coordinating of event purposes. (see Column 4, 40-43 use form roommate, job listing and Column 6, 9-11 and Column 8, 5-10).

18. **Claims 1-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelfire in view of Sutcliffe.

19. With respect to **Claims 4 and 17 and 22**:

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Sutcliffe discloses the steps for enabling a sports participant or user to locate another user among said information; Sutcliffe discloses that a user may conduct a search based upon certain criteria data (2, 30-37).

Sutcliffe does not disclose “per se” the step for enabling a sports participant or boxer to locate an agent among said information; or explicitly using the data to find an agent. However, modifying the terms such as “sports participant and user” to “boxer and agent” is nothing more than modifying the **terminology** within the process of matchmaking which is old and well known with in the art (For support See Applicant’s Specification, Page 27, 3rd Paragraph). Furthermore it is old and well known that boxers need agents to promote them.

Moreover, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the first and second users of Sutcliffe to include a boxer and agent respectfully. Thus one of ordinary skill in the art would have been motivated to modify the reference as discussed above in order for a boxer to be matched with an agent to promote him/her.

Furthermore, Sutcliffe discloses the step of selecting a location and opponent to compete in an outdoor sport with from among other participating competitors found within the information organized into the electronically searchable format. Sutcliffe allows users to establish contact (Column 3, 15-20) and propose an event (outdoor sport, etc.), inherently if the boxers/participants were to ever meet (because it is only “potential”) inherently the event would have to include the step of selecting a location based upon the information in order to ever become a reality.

Sutcliffe does not disclose that the event is a competitive boxing match and the user is a boxer.

However, "angelfire" teaches that it was known in the art for boxers to use the internet or a website to find a fight for a particular potential boxing match. (See angelfire pg 1, "matchmaking"/"looking for fighters").

Moreover no unexpected results occur by the mere modification of Sutcliffe's user to boxer and outdoor sporting event to boxing match. In both scenarios a "person" enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify Sutcliffe in view of "angelfire" to have Sutcliffe's search criteria to say for example "looking for a boxer" at the time the invention was made in order to organize a boxing match on a website in order to expedite the finding of a suitable boxer for a boxing match.

20. With respect to **Claims 5 and 12**:

CANCELLED

21. With respect to **Claim 18**:

Sutcliffe discloses the step of ranking users based on data to enable a participating *user* to select an *opponent/user* of similar or advanced data (presenting

requested information to a user in an ordered manner and examiner considers this to be equivalent of ranking Column 2, 24-27).

Sutcliffe does not that the user is a boxer.

Examiner takes note that it is old and well known to rank boxers based upon data. Furthermore, Applicant admits that it is well known in the art to rank boxers based on data which relates to their ability (Applicants REMARKS, page 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the ability to rank based upon characteristic/criteria data entered of Sutcliffe to include ranking of boxers as admitted by Applicant. One of ordinary skill in the art would have been motivated to modify the references in order to present boxers in an ordered manner.

22. Claims **15, 17-22 and 24-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutcliffe in view of www.angelfire.com/biz2/sjcboxing/match.html effective date of 03/04/2000 on the "Wayback Machine" (herein after "angelfire").

23. With respect to **Claim 15**:

Sutcliffe discloses a method for coordinating an outdoor sport (event) match comprising the steps of:

receiving information from at least one user regarding said user's willingness to consider participating in a particular potential sport (event);

organizing said information received from said at least one user into an electronically searchable format;

providing access to said information organized into an electronically searchable format to said user, to other users, and to third parties. (as described in detail above)

24. With respect to **Claim 19**:

Sutcliffe discloses the step of enabling a first user to challenge a second user to an outdoor sport (event), using the information organized therein (Sutcliffe: Column 10, 62-68 through Column 11, 1-3 and match data allows one user to establish contact with at least another user Column 3, 1-20).

Sutcliffe does not disclose that the event is a competitive boxing match and the user is a boxer.

However, "angelfire" teaches enabling a first boxer to challenges a second boxer to a boxing match wherein said second boxer may either accept or reject (which is also old and well known). Furthermore, Applicant's own specification refers to the terms "boxer" versus "tennis player" versus "user" and "boxing match" versus "tennis game" versus "... event" as simply a matter of **terminology** (See Applicant specification, page 27, 3rd full paragraph) and it would be obvious to modify Sutcliffe so that the user is a boxer and the event is a boxing match so that the two boxers may challenge each other.

Moreover no unexpected results occur by the mere modification of Sutcliffe's user to boxer and outdoor sporting event to boxing match. In both scenarios a "person" enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify

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Sutcliffe in view of “angelfire” to have Sutcliffe’s search criteria to say for example “looking for a boxer” at the time the invention was made in order to organize a boxing match on a website in order to expedite the finding of a suitable boxer for a boxing match.

25. With respect to **Claim 20**:

Sutcliffe discloses enabling information organized into an electronically searchable format to be accessed via a wide area computer network (Sutcliffe: Column 4, 17-31).

Sutcliffe does not disclose that the event is a competitive *boxing match* and the user is a *boxer*.

However, “angelfire” does teach this and it would be obvious to modify Sutcliffe so that the user is a boxer and the event is a boxing match as taught by “angelfire. Moreover no unexpected results occur by the mere modification of Sutcliffe’s user to boxer and outdoor sporting event to boxing match. In both scenarios a “person” enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify Sutcliffe in view of “angelfire” to have Sutcliffe’s search criteria to say for example “looking for a boxer” at the time the invention was made in order to organize a boxing match on a website in order to expedite the finding of a suitable boxer for a boxing match.

26. With respect to **Claim 21**:

Sutcliffe discloses the step of establishing at least one web page for at least one of said participating user, which web page is viewable by selected of said third parties. Sutcliffe uses the system to provide personal ads in with many components (Column 3, 65-67 through Column 4, 1-5) and presents the personal adds over the internet (Column 4, 18-22) through a plurality of web sites (Column 4, 64-67).

Sutcliffe does not disclose "boxer" and does not disclose that the event is a competitive boxing match and the user is a boxer.

However, "angelfire" does teach this and it would be obvious to modify Sutcliffe so that the user is a boxer and the event is a boxing match as taught by "angelfire. Moreover no unexpected results occur by the mere modification of Sutcliffe's user to boxer and outdoor sporting event to boxing match. In both scenarios a "person" enters in characteristic data and another person enters in what they are searching for or criteria data and a match occurs for a particular (whatever the event may be) potential (because has not occurred yet) event or boxing match or outdoor sport. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify Sutcliffe in view of "angelfire" to have Sutcliffe's search criteria to say for example "looking for a boxer" at the time the invention was made in order to organize a boxing match on a website in order to expedite the finding of a suitable boxer for a boxing match.

Response to Arguments

27. IN RESPONSE TO REMARKS submitted 3/20/2006.

28. First it should be noted that on page 22 of Applicant's specification it is stated that "Any method which provides the function of embodiments of the present invention is to be considered with in scope of embodiments of the present invention." Applicant proposes a way to collect information of fighters and allow the information to be seen by third parties on a network and then allow said fighters to be challenged to a fight or coordinate a match. This is clearly taught by angelfire, and were Applicant to receive a patent for the claimed invention angelfire would be infringing and angelfire was on the web a year prior to Applicants filing date; NOTE further that Sutcliffe's system is IDENTICAL except the term user is substituted for boxer/fighter.

29. In response to REMARKS pg 8, #1; Applicant has failed to clarify the word "information" as now it is relevant to participation in a particular potential sporting event (see above 112). The interpretation could be read that the information is that of a past participation in particular past sporting events; such as win-loss record. This does not mean that this information comprises locations in which a boxer would be willing to fight and what type of fighter and or prize money looking for.

30. In response to pg 9, #2; Applicant asserts that Angelfire does not teach an "electronically searchable format". Examiner disagrees. Given the broadest reasonable interpretation of the claims, the fact the information is on the web/or a computer makes it electronic. And the fact that a user may search that electronic format makes it an "electronically searchable format".

This also is seen in Applicants remarks page 9, last 5 lines, "...a user can manually search the list of boxers..." Further still if Applicant intends a complicated/automated electronically searchable format and then claims as such it would be no different than the format and mechanism/system of entering characteristic data and criteria data that is taught by Sutcliffe; which is exactly why the claims were rejected under 102 and in the alternative 103 (see above).

31. In response to the assertion on bottom of pg 9 bridging top of pg 10 in regards to "employment opportunities" in the art of boxing finding a boxing match is the equivalent to finding an employment opportunity; and Angelfire certainly teaches electronically searching for a boxing match/employment opportunity.

32. In response to pg 10, middle of page, that the "proposing of a contest" is not shown (found within for example claim 2); In re: 102 rejection; Examiner turns to Angelfire pg A, (iii); which states "We are looking for fighters...e-mail me". This statement alone teaches two proposals, first looking for a fighter for a particular potential match. Second when a second user emails the host of Angelfire web site there will certainly be another proposal for a match between the two boxers, made by boxer or his agent. Further still In re: the 103 reaction; Sutcliffe teaches allowing a user to search for certain criteria data, results of the search are then provided to a user (Fig 3 A) and upon providing the results a user may contact a second user if they meet the criteria (ie searching for a fight in Nevada) (C 2, 65-69 and C3, 1-4).

33. In response to pg 10, last P; the assertion that Angelfire does not teach the limitation of "providing a user with an information storage location accessible by said

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user and a portion of which accessible by selected third parties". Yet Examiner turns to pg A of angelfire which shows in (iv) that one stored user is "Carl Daniels, 158 lbs." This is information and is stored somewhere on Angelfire's server; no matter how minimal it may be it is an "information storage location".

34. In response to pg 12, first P; Applicant asserts that Sutcliffe is not in the field of Applicant's endeavor which is that of "coordinating sporting events". Examiner disagrees. To coordinate an event is again as stated in previous actions is as defined by Merriam Webster' On-Line dictionary is:

Main Entry: ²co·ordi·nate ▯

Pronunciation: kO-'or-dē-n-"At

Function: *verb*

Inflected Form(s): -nat·ed; -nat·ing

transitive senses

1 : to put in the same order or rank

2 : to bring into a common action, movement, or condition :

HARMONIZE

3 : to attach so as to form a coordination complex

intransitive senses

1 : to be or become coordinate especially so as to act together in a smooth concerted way

2 : to combine by means of a coordinate bond

- co·ordi·na·tive ▯ /kO-'ord-nē-tiv; -'or-dē-n-ē-tiv, -dē-"nÄ-/ *adjective*

- co·ordi·na·tor ▯ /-'or-dē-"nÄ-təz/ *noun*

This definition corresponds directly to that found with in Applicant's own specification on pg2, lines 18-23. Thus Sutcliffe is very pertinent to the art of coordination of an event, because it is concerned with connecting two separate users to bring into a common action. (such as the playing of an outdoor sports activity (C 11, 1-5).

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35. In response to pg 12, last P; that Applicant's invention is meant to decrease a boxers reliance on megapromoters such as Don King Productions; yet in making this assertion Applicant is disregarding the fact that other such web sites were already trying to circumvent megapromoters such as Don King, one only need to look towards Angelfire. Further, Examiners reasons to use the analogous art does not have to teach or solve such an extraneous problem not even claimed by the Applicant's.

It may be true that the Examiner did not combine the references so that a boxer/or agent may overcome a monopoly; but the fact remains that Sutcliffe is analogous because it shows the coordination of an event through the receiving of characteristic data, followed by a second user searching through the database using certain criteria, a list is provided to second user which then allows second user to contact and later coordinate an event with a first user.

36. NOTE: A user using Sutcliffe would likely circumvent the problem with monopolies although it does not teach. Further still it should be noted that many of these types of monopolies exist due to the nature of the highly regulated sport. Furthermore, the proposed invention does not "empower boxers to become independent of third parties", rather it just forces them to rely on another third party, the host of the proposed website as is shown in "angelfire"

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

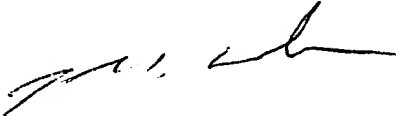
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (703) 605-1202. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MLB
6/12/2006



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